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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,216	03/19/2001	Raphaelle Mauger	Q63628	6927

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EXAMINER

PHU, SANH D

ART UNIT PAPER NUMBER

2682

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/810,216

Applicant(s)

MAUGER, RAPHAELLE

Examiner

Sanh D Phu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. This office action is responsive to the amendment filed on 2/24/2004.

Claim Rejections – 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1–5, 8–15, 18–23 are rejected under 35 U.S.C 102(b) as being anticipated by over the article “Network Function for the application of Multi-rate Speech Coding in Digital Cellular Systems” provided by the applicant in the IDS filed on 3/19/2001 (by Yasuda et al’s, hereinafter simply referred to as Yasuda et al).

Regarding to claim 1 and 11, see Fig. 4, 5 and 6, page 308 to page 309, Yasuda et al discloses a method of optimizing speech quality in a mobile radio

system by using when possible a tandem free operation mode for a mobile-to-mobile call, the method comprising:

- selecting a first coding mode (see Fig. 6b);

- if said first coding mode is not compatible with said tandem free operation mode, changing said first coding mode to a second coding mode which is compatible with said tandem free operation mode (see Fig. 6b, page 308 to page 309); and

- using said tandem free operation mode with said second coding mode (see Fig. 6b, page 308 to page 309).

Regarding to claim 2 and 12, see Fig. 4,5 and 6, page 308 to page 309, Yasuda et al discloses a method of optimizing speech quality in a mobile radio system by using when possible a tandem free operation mode for a mobile-to-mobile call, the method comprising:

- selecting a first coding mode (see Fig. 6b);

- if said first coding mode is not compatible with said tandem free operation mode, changing said first coding mode to a second coding mode

which is compatible with said tandem free operation mode (see Fig. 6b, page 308 to page 309); and

signaling said first or second coding mode for each of said mobiles (see Fig. 6b, page 308 to page 309);

selecting a common coding mode for tandem free operation based on said signaled coding modes for each of said mobiles(see Fig. 6b, page 308 to page 309);

using said tandem free operation mode with said selected common coding mode (see Fig. 6b, page 308 to page 309).

Regarding to claim 3 and 13, Yasuda et al discloses that if said signaled coding modes match, said coding modes constitute said common coding mode for said tandem free operation mode (see Fig. 6a).

Regarding to claim 4 and 14, Yasuda et al discloses if said signaled coding modes do not match, selecting a common coding mode for said tandem free operation mode based on lists of supported coding modes, for each of said mobiles (see Fig. 3, 6a and 6b, page 308 to page 309),

wherein at least one of said lists does not include any coding mode that is not compatible with said tandem free operation mode (see Fig. 3, 6a and 6b, page 308 to page 309).

Regarding to claim 5 and 15, Yasuda et al discloses the method/system of tandem free operation mode, wherein said system is inherently a communication system.

Regarding to claim 8 and 18, Yasuda et al discloses that one coding mode that is compatible with said tandem free operation mode is a full rate mode (see Fig. 3, 6a and 6b, page 308 to page 309).

Regarding to claim 9 and 19, Yasuda et al discloses that one coding mode that is compatible with said tandem free operation mode is an enhanced full rate mode (compatible mode) (see Fig. 3, 6a and 6b, page 308 to page 309).

Regarding to claim 10 and 20, Yasuda et al discloses that one coding mode that is compatible with said tandem free operation mode is a half rate mode (see Fig. 3, 6a and 6b, page 308 to page 309).

Regarding to claim 21, see Fig. 4, 5 and 6, page 308 to page 309, Yasuda et al disclose an entity for a mobile radio system, comprising:

means for selecting a first coding mode for a mobile-to-mobile call (see Fig. 6b),

means for, if said first coding mode is not compatible is not compatible with a tandem free operation mode, changing said first coding mode to a second coding mode which is compatible with said tandem free operation mode, means for using said tandem free operation with said second coding mode (see Fig. 6b).

Regarding to claim 22, see Fig. 4, 5 and 6, page 308 to page 309, Yasuda et al disclose an entity for a mobile radio system, comprising:

means for selecting a first coding mode for a mobile-to-mobile call (see Fig. 6b),

means for, if said first coding mode is not compatible with a tandem free operation mode, changing said first coding mode to a second coding mode which is compatible with said tandem free operation mode (see Fig. 6b);

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means for initiating a negotiation for selecting a common coding mode for said tandem free operation, with said second coding mode (see Fig. 6b).

Regarding to claim 23, Yasuda et al disclose the entity further comprising:

means for implementing code mismatch resolution, using a list of supported coding modes, which does not comprise any coding mode that is not compatible with said tandem free operation mode (see Fig. 3).

Claim Rejections – 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6, 7, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuda et al in view of DeMartin et al (6,421,527) (the prior art of record).

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Regarding to claim 6, 7, 16 and 17, Yasuda et al discloses that said authorized coding are Haft-Rate (HR mode), Full-Rate (FR mode) and Enhanced-Full-Rate (compatible mode)

Yasuda et al does not disclose that an adaptive multirate (AMR) coding is included.

DeMartin et al disclose that a coding mode can be an AMR coding mode and it is not a compatible with said Tandem free operation mode (see DeMartin et al, table 1 and col. 6, lines 30-35).

At the time of the invention was made, it would have been obvious for one skilled in the art to include an AMR mode, which is shown in the teaching of DeMartin et al, in Yasuda system so that it is capable to send in-band information without connection crashed.

Response to Arguments

4. Examiner respectfully withdraws rejection claims 1-20 under 35 U.S.C & 112, second paragraph.

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703) 305-8635. The examiner can normally be reached on 8:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-301-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-8635.

Sanh D. Phu
Examiner
Art Unit 2682

SP


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